



2007 SENATE BILL 157

April 19, 2007 - Introduced by Senators DARLING, A. LASEE, GROTHMAN and OLSEN, cosponsored by Representatives KLEEFISCH, KAUFERT, PRIDEMORE, ZIEGELBAUER, LOTHIAN, A. OTT, HAHN, ALBERS, STONE, LEMAHIEU, VUKMIR, KERKMAN, NASS, VOS, BIES, JESKEWITZ, GUNDRUM, MUSSER and MURSAU. Referred to Committee on Judiciary and Corrections.

1 **AN ACT to amend** 969.01 (4) of the statutes; **relating to:** considerations for
2 determining conditions of pretrial release for a person accused of committing
3 a crime.

Analysis by the Legislative Reference Bureau

Currently, a court may impose conditions, including the payment of bail, for the pretrial release of a defendant accused of committing a crime in order to assure the defendant's appearance in court, protect members of the community from serious bodily harm, or prevent the intimidation of witnesses. This bill provides that, in determining conditions of pretrial release a court may consider, for purposes of assuring the defendant's appearance in court, whether the defendant is legally present in the United States.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

4 **SECTION 1.** 969.01 (4) of the statutes is amended to read:
5 969.01 (4) **CONSIDERATIONS IN SETTING CONDITIONS OF RELEASE.** If bail is imposed,
6 it shall be only in the amount found necessary to assure the appearance of the

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1 defendant. Conditions of release, other than monetary conditions, may be imposed
2 for the purpose of protecting members of the community from serious bodily harm
3 or preventing intimidation of witnesses. Proper considerations in determining
4 whether to release the defendant without bail, fixing a reasonable amount of bail, or
5 imposing other reasonable conditions of release are: the ability of the arrested person
6 to give bail; the nature, number, and gravity of the offenses and the potential penalty
7 the defendant faces; whether the alleged acts were violent in nature; the
8 defendant's prior record of criminal convictions and delinquency adjudications, if
9 any; the character, health, residence, and reputation of the defendant; the character
10 and strength of the evidence which has been presented to the judge; whether the
11 defendant is currently on probation, extended supervision, or parole; whether the
12 defendant is already on bail or subject to other release conditions in other pending
13 cases; whether the defendant has been bound over for trial after a preliminary
14 examination; whether the defendant has in the past forfeited bail or violated a
15 condition of release or was a fugitive from justice at the time of arrest; whether, in
16 relation to assuring the defendant's presence in court, the defendant is legally
17 present in the United States; and the policy against unnecessary detention of the
18 defendant's pending trial.

19 (END)